



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Consider the appeal received from Key Advertising, Inc., regarding the Planning Commission's decision to deny the request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign and a variance to double the maximum allowable sign area from 480 square feet to 960 square feet to be located at 1251 South Beckman Road.

MEETING DATE: November 17, 2004

PREPARED BY: Community Development Director

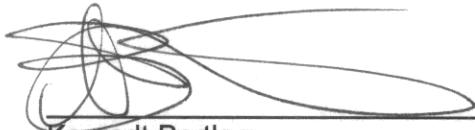
RECOMMENDED ACTION: Staff recommends that pending the outcome of the request to enter into a Development Agreement on the agenda prior to this item, that the Council deny the appeal.

BACKGROUND INFORMATION: This item has been continued several times since the original hearing on April 21, 2004. In that time, staff has been negotiating a Development Agreement with the appellant pursuant to Council direction. As the Development Agreement is now scheduled for action prior to this item, it is time to consider the applicant's appeal.

If the City Council approves the Development Agreement, I would expect the applicant to withdraw the appeal and no further action would be necessary. However, if the Council chooses to not enter into the Development Agreement, staff believes that our original recommendation is appropriate and the Council should deny the request.

I have attached to this report the original Council Communication on this item. As was the case in April, staff believes that the applicant has not met the required findings necessary to grant the Variance request. As such, the Council's only action would be to deny the appeal.

FUNDING: N/A


Konradt Bartlam
Community Development Director

KB/lw

Attachments: Council Communication dated April 21, 2004

APPROVED: 
Janet S. Keeter, Interim City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Conduct Public Hearing to consider an appeal received from Key Advertising Inc., regarding the Planning Commission's decision to deny the request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign, and a Variance to double the maximum allowable sign area from 480 square-feet to 960 square-feet to be located at 1251 South Beckman Road.

MEETING DATE: April 21, 2004

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the City Council uphold the Planning Commission's decision to deny the request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign, and a Variance to double the maximum allowable sign area from 480 square-feet to 960 square-feet to be located at 1251 South Beckman Road.

BACKGROUND INFORMATION: The appellant, "Key Advertising," is proposing to construct a two-sided 75-foot-tall freeway information sign near the north end of the Geweke Dodge and Kia Dealership at 1251 South Beckman Road.

The area of signage will be 24-feet wide by 20-feet-tall on both sides, for a total of 960-square-feet of signage. Each side of the sign has a 21-foot 8-inch wide by 11-foot 3-inch tall, 245 square-foot electronic message center panel. The electronic message center is essentially a television and/or computer monitor. The remaining sign area is proposed to state "Geweke Auto Group." Given the size, height, and placement of the sign, it is primarily designed for viewing by northbound and southbound motorists on State Highway 99 (see exhibit 1 & 2).

The Planning Commission at its Public Hearing of February 11, 2004 reviewed and denied the requests for a Use Permit and a Variance. The Use Permit for the large electronic display was denied on the grounds that the sign's size, location, and appearance near the intersection of the City's two major highways were inconsistent with goals and policies of the City's General Plan; in particular those pertaining to the preservation of Lodi's small town and rural qualities, and the aesthetic qualities of our major streets and entrances. Staff also pointed out other issues like those regarding potential impacts on highway traffic, the City's inability to regulate the content of advertisements, the precedent that would be set, and the visual aspects of the sign.

During the public hearing the applicant's representative suggested that the one large sign would serve the existing and future auto dealerships of the Geweke Auto Group along Beckman Road. This suggestion would eliminate the need for multiple 75-foot high freeway signs. The proposal; however, would not benefit other auto dealerships within the area, nor would it remove the State's law limiting advertising on the sign to products and services available on the premises. The applicant also provided a self-imposed list of conditions, and a donation of advertising time to the City should the City approve the request (see exhibit 3). Each of the requests was found to be generous but they had their own issues. Conditions 1(a-e), are essentially required by the State Outdoor Advertising Act. Condition 2, would not apply to other property owners of the City, which goes back to the precedent of approving the

APPROVED: _____

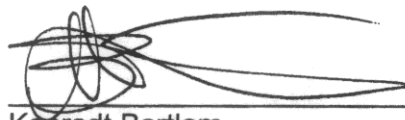
H. Dixon Flynn, City Manager

electronic sign. Condition 3, is the variance request. Condition 4, would not be legal, given that the City or its interests are not exempt from the State law limiting advertising to products and services available on the premises.

As far as the Variance was concerned, the Planning Commission denied the request because there was no evidence to support it. The City's Zoning Ordinance, as well as California State Law, requires that the City make findings to justify the granting of a variance. The findings must include an explanation of how the property's size, shape, or location somehow keeps the owner from fully utilizing his land within the constraints of the law. This situation is typically termed a "hardship." The findings could also include an argument that others within the same zoning are allowed what the applicant is not. This would be termed an "injustice." The applicant did not provide any information to establish the required hardship or injustice, so neither staff nor the Planning Commission could justify the request.

FUNDING:

None

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Konradt Bartlam
Community Development Director

KB/MM/lw

Attachments

EXHIBIT "1"

Sign Location

2' Setback

Maximum Allowable Signage = 3442

$$830 + 700 = 1530 * 3 = 4590 * .75 = 3442$$

EXISTING P.L.

Total of Permitted Signage = 541 Sq. Ft.

KIA -

(2) 24" Geweke Letters 24 sq.ft. Ea. = 48 sq.ft.

(4) 38" KIA Ovals 22 sq.ft. Ea. = 88 sq.ft.

Chrysler/Dodge -

(2) 42" Chrysler Cabinets 47 sq.ft. Ea. = 94 sq.ft.

(2) 42" Jeep Letters 23 sq.ft. Ea. = 46 sq.ft.

(2) 42" Dodge Letters 49 sq.ft. Ea. = 98 sq.ft.

(1) 24" Geweke Letters 24 sq.ft. Ea. = 24 sq.ft.

(1) 14' D/F Monument Sign 143 sq.ft. = 143 sq.ft.

Total Existing Signage = 541 sq.ft.

0 25' 50' 100'

250'

500'



NORTHBOUND HWY. 99 ON-RAMP

MCDONALDS

700'

BUSINESS PARK DRIVE

GEWEKE
DODGE - CHRYSLER

GEWEKE
KIA

830'

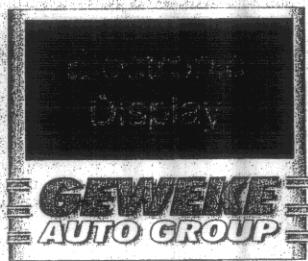
± 2.05 AC

BECKMAN ROAD

Vicinity Map

KETTLEMAN LANE

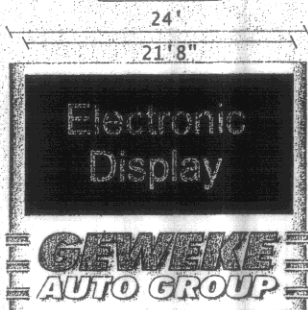
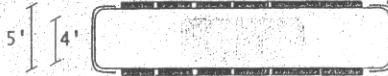
EXHIBIT "2"



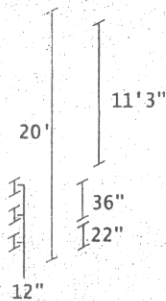
BACK

6" Radius Curve

TOP



FRONT

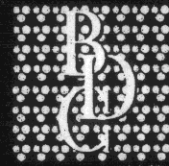


SIDE



Access Door

75' O.A.H



Bumstead Display Consulting

Project: Geweke Auto Group Pylon

Date: 6 - 18 -2003

Specifications:

Manufacture and install single faced pylon sign.

"GEWKE" to be 36" tall internally illuminated channel letters with red L.E.D. illumination. L.E.D. spacing to be at or above manufacturer's specification to ensure even illumination.

"AUTO GROUP" to be 22" tall internally illuminated channel letters with white L.E.D. illumination. L.E.D. spacing to be at or above manufacturer's specification to ensure even illumination.

Neon Border Tubes to be mounted on flat cut out aluminum (.10 thickness) shaped to contour with radiused cabinet and pegged off of cabinet surface 2". Neon to be 15mil ruby red and powered with 30ma transformers to be located inside sign.

Sign Cabinet & Pole Cover to be all steel construction for framing and skinned with aluminum sheet (minimum .10 thickness). Cabinet shall have side entry door with lock to allow for internal servicing. Cabinet shall also include catwalks adequate for service of entire sign from inside.

Electronic Sign shall be L.E.D.

Bumstead Display Consulting
12806 SE 45th Pl
Bellevue, WA 98006
Phone - 425-643-4475
Fax - 425-865-8357
E-mail - design@bumstead.net

EXHIBIT "3"

Project Description:

Install freestanding sign(s) as per attached drawings. A portion of the sign shall have an electronic display.

Applicant Proposal/Request for Use Permit:

1. Applicant would like to have portion of sign be electronic display to operate under the following conditional use:
 - a. Sign shall not portray any motion
 - b. Sign shall not change images more frequently than once each 5 seconds
 - c. Sign shall not display any backgrounds with more than 25% of the screen area in white.
 - d. Sign shall be dimmed below 500 nits during nighttime operation.
 - e. Sign shall not display companies, products or services that are not sold on the site for which the permit is issued.
2. Applicant will agree to abstain from installing any other electronic displays on any of its other properties within the city limits of Lodi, CA.
3. Applicant would like to have sign area calculated on only one face of the display as is done for off-premises signs in section 17.63.370(C) of the Lodi Municipal Code allowing applicant to install one double faced sign instead of two single faced signs.
4. Applicant would be willing to share 10% of time promoting downtown Lodi, Wine and Visitor Center events and community not for profit events such as Lodi Street Faire, Oooh Ahhh Festival and Chamber of Commerce Wine Stroll etc.
5. Applicant would be willing to offer up participation and cooperate with the National Amber Alert program.



DECLARATION OF POSTING

**AN APPEAL RECEIVED FROM KEY ADVERTISING INC.,
REGARDING THE PLANNING COMMISSION'S DECISION TO DENY THE
REQUEST OF KEY ADVERTISING FOR A USE PERMIT TO ALLOW A 75-
FOOT-HIGH ELECTRONIC DISPLAY SIGN, AND A VARIANCE TO
DOUBLE THE MAXIMUM ALLOWABLE SIGN AREA FORM 480 SQUARE-
FEET TO 960 SQUARE-FEET TO BE LOCATED AT 1251 SOUTH
BECKMAN ROAD.**

On Thursday, September 16, 2004, in the City of Lodi, San Joaquin County, California, a copy of a Notice of Public Hearing to consider an appeal received from Key Advertising Inc., regarding the Planning Commission's decision to deny the request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign, and a Variance to double the maximum allowable sign area form 480 square-feet to 960 square-feet to be located at 1251 South Beckman Road. (attached hereto, marked Exhibit "A"), was posted at the following four locations:

Lodi Public Library
Lodi City Clerk's Office
Lodi City Hall Lobby
Lodi Carnegie Forum

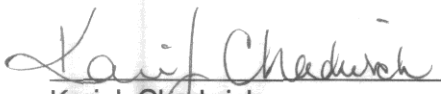
I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 16, 2004, at Lodi, California.

ORDERED BY:

**SUSAN J. BLACKSTON
CITY CLERK**

Jacqueline L. Taylor, CMC
Deputy City Clerk


Kari J. Chadwick
Administrative Clerk

Jennifer M. Perrin, CMC
Deputy City Clerk

EXHIBIT A

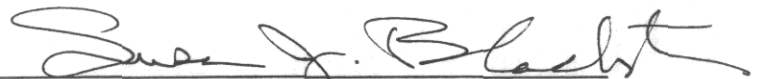
NOTICE OF RE-CONTINUED PUBLIC HEARING

CITY COUNCIL

CITY OF LODI

NOTICE IS HEREBY GIVEN that the April 7, 2004 public hearing of the City Council of the City of Lodi to consider an appeal received from Key Advertising, Inc., regarding the Planning Commission's decision to deny the request of Key Advertising for a Use Permit to allow a 75-foot-high electronic display sign and a Variance to double the maximum allowable sign area from 480 square feet to 960 square feet to be located at 1251 South Beckman Road was continued to April 21, 2004, June 2, 2004, July 21, 2004, September 15, 2004 and has been **re-continued to November 17, 2004 at the hour of 7:00 p.m.** in the Council Chamber, Carnegie Forum, 305 W. Pine Street, Lodi, California.

Posted September 16, 2004



SUSAN J. BLACKSTON
CITY CLERK
Of the City of Lodi